

02.09.2025

SL No.13

Ct. No.03

Sudipta

Allowed

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM (A) 612 of 2025

In Re: An application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dinhata Police Station Case No. 200 of 2025 dated 20.04.2025 under Sections 20(b)(ii)(c) / 21(c) / 29 of the NDPS Act.

And

In Re : **Asadul @ Ashadul Haque & Anr.**

.....Petitioner

For the Petitioner :

Mr. Sudip Guha

Ms. Ankita Nag

.....Advocates

For the State :

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Kallol Nag

.....Advocates

1. Learned counsel for the State has fairly submitted that the names of the petitioners have appeared only in the 161 statement of co-accused, namely, Tahidul Haque. Learned counsel further submits that there is no other material so far against the petitioners. However, learned counsel for the State has opposed the anticipatory bail on the ground that huge quantity of contraband was recovered from Tahidul Haque.

2. Co-accused Khairul Haque @ Khairul Ali and Asadul Haque who stand on the same footing were granted pre-arrest bail by this Court in CRM (A) 416 of 2025 vide order dated 7th July, 2025. Admittedly, no recovery has been effected from the petitioners.
3. In view of the above, this Court is inclined to hold that the petitioners are able to rebut the statutory restriction under Section 37 of the NDPS Act and are entitled to anticipatory bail.
4. Accordingly, in the event of arrest, the petitioners be released on anticipatory bail on furnishing bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer, subject to the conditions that the petitioners shall join the investigation as and when directed by the Investigating Officer and shall not threaten, tamper or intimidate the witness in any manner whatsoever.
5. The prayer for anticipatory bail is allowed.
6. CRM (A) 612 of 2025 is disposed of.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Dinesh Kumar Sharma, J.)